| - 1                |   |   |  |
|--------------------|---|---|--|
| 1                  | DECLUES, BURKETT & THOMPSO Attorneys at Law   | N, LLP EXEMPT FROM FEES PER: GOVERNMENT CODE SECTION 6103               |  |
| 2                  | J. Michael Declues, Bar #65606<br>17011 Beach Blvd., Ste. 400   |   |  |
| 3                  | Huntington Beach, CA 92647-7455<br>Phone: (714) 843-9444  |   |  |
| 4                  | Fax: (714) 843-9452<br>e-mail address: mdeclues@dbtlaw.com  Attorneys for Defendant, MATT MATTIS, a                   |   |  |
| 5                  |   |   |  |
| 6                  | public employee   |   |  |
| 7                  |   |   |  |
| 8                  | UNITED STATES DISTRICT COURT  |   |  |
| 9                  | FOR THE CENTRAL DISTRICT OF CALIFORNIA  |   |  |
| 10                 |   |   |  |
| 11                 | MELVIN ANTHONY, JR.,  | ) CASE NO.: CV12-01702-SJO (SH)   |  |
| 12                 | Plaintiff,  | Complaint Filed: October 3, 2012  |  |
| 13                 | VS.   | ) Judge James S. Otero<br>)   |  |
| 14<br>15           | OFFICER GLEN LOCKERBY,<br>COUNTY OF ORANGE, OFFICER<br>HARMON WARD, OFFICER BRIAN<br>BRUNS, OFFICER PHIL MEJIA,       | DECLARATION OF J. MICHAEL DECLUES REGARDING MEET AND CONFER REQUIREMENT |  |
| 16  <br>17  <br>18 | CARLTÓN P. BIGGS, ANDRE MANSSOURIAN, ROBERT C. GANNON, JR., MATT MATTIS and John Does 1 to 10, Jointly and Severally, | Date: December 17, 2012 Time: 2:00 p.m. Dept.: 550                      |  |
| 19                 | Defendants.   |   |  |
| 20                 |   |   |  |
| 21                 | DECLARATION OF J. MICHAEL DECLUES   |   |  |
| 22                 | I, J. Michael Declues, declare as follows:  |   |  |
| 23                 | 1. I am an attorney at law duly licensed to practice law before all the courts of                                     |   |  |
| 24                 | the State of California, and this Court. I am a partner with the law firm of DECLUES,                                 |   |  |
| 25                 | BURKETT & THOMPSON, LLP, attorneys of record herein for MATT MATTIS, a  |   |  |
| 26                 | public employee. The following information is within my personal knowledge and if                                     |   |  |
| 27                 | called upon to testify, I could and would testify competently thereto.  |   |  |
| 28                 |   |   |  |
|                    |   |   |  |

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- 2. In *Spencer v. United States Office of Personnel Management*, 2012 WL 1865500 (C.D.Cal. 2012) the Court found that no meet and confer was required by Central District of California Local Rule 7-3 where a plaintiff was in propria persona. *Id.* at \*3.
- 3. Here, plaintiff is in propria persona. Accordingly, MATT MATTIS was not required to meet and confer prior to bringing this motion.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

EXECUTED this 12th day of November, 2012 at Huntington Beach, California.

/s/ J. MICHAEL DECLUES
J. MICHAEL DECLUES, Declarant

| $\begin{bmatrix} 1 \\ 2 \end{bmatrix}$ | PROOF OF SERVICE (C.C.P. section 1013a(3))  |  |
|--|---|--|
| 3                                      | STATE OF CALIFORNIA )   |  |
| 4                                      | COUNTY OF ORANGE SS.  |  |
| 5 6                                    | I am over the age of 18 and I am not a party to the within action. I am employed by <b>DECLUES, BURKETT &amp; THOMPSON, LLP,</b> in the County of Orange, at 17011 Beach Blvd., Ste. 400, Huntington Beach, California, 92647-7455. |  |
| 7<br>8                                 | On November 12, 2012, I served the attached: DECLARATION OF J. MICHAEL DECLUES REGARDING MEET AND CONFER REQUIREMENT  |  |
| 9                                      | On the interested parties in this action by:  |  |
| 10                                     | XX Placing true copies thereof in sealed envelopes, addressed as described below.   |  |
| 11                                     |   |  |
| 12                                     | XX BY MAIL: I am "readily familiar" with and follow the firm's practice of collection and processing correspondence for mailing. Under that practice, it is deposited with  |  |
| 13                                     | the United States Postal Service on that same day, with postage thereon fully prepaid at Huntington Beach, California, in the ordinary course of business. I am   |  |
| 14                                     | aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for  |  |
| 15                                     | mailing an affidavit.   |  |
| 16                                     | BY PERSONAL SERVICE: I caused such an envelope to be delivered by hand to the offices of the addressees.  |  |
| 17                                     | BY FEDERAL EXPRESS (Receipt/Airbill No.:)   |  |
| 18                                     | BY FACSIMILE TRANSMISSION: From FAX_NO. (714) 843-9452 to   |  |
| 19                                     | FAX No.: at or about <u>Time</u> , directed to <u>Name</u> . The facsimile machine I used complied with Rule 2003(3), and no error was reported by the machine. Pursuant to   |  |
| 20                                     | Rule 2005(I), I caused the machine to print a record of the transmission, a copy of which is attached to this declaration.  |  |
| 21                                     | FEDERAL: I declare I am employed in the office of a member of the Bar of this   |  |
| 22                                     | Court at whose direction the service was made.  |  |
| 23                                     | I declare, under penalty of perjury under the laws of the State of California, that the above is true and correct.  |  |
| 24                                     | Executed on November 12, 2012, at Huntington Beach, California.   |  |
| 25  <br>26                             | Quie Cella  |  |
| 27                                     | FULIE ALLEN   |  |
| 28                                     |   |  |
|  |   |  |

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